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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Darren P. Chermack :
Application No. 10/655,112 :
Filed: September 4, 2003 :
Attorney Docket No. N/A :

This is in response to the "Petition under 37 CFR 1.53," filed September 19, 2005, requesting that the above-identified application be accorded a filing date of September 4, 2003, including Figure 8 described in the specification.

The application was submitted on September 4, 2003. However, on November 28, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Corrected Application Papers," (Notice) that stated the application had been accorded a filing date, and that, among other items, Figure 8 described in the specification appears to have been omitted.

In response, on September 19, 2005, the instant petition and a copy of Figure 8 were submitted. Additionally, a copy of applicants' postcard receipt that acknowledges receipt of "Drawings - 11 pages" on September 4, 2003, accompanied the papers. A review of the application file indicates the presence of only ten (10) sheets of drawings originally filed on September 4, 2003, with the sheet that contains Figure 8 missing. It is assumed that the missing sheet of drawings was misplaced by the Office.

In view of the above, the petition is granted.

The \$400.00 petition fee will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of September 4, 2003, using the sheet of drawings, containing Figure 8, submitted on September 19, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
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for Patent Examination Policy